19 46. **File No.** Epidemic Diseases II/46.

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Epidemic Diseases Act of 1897

P. H. E

File No. Epidemic Diseases II/46.

Gen. 194 e.

180-B

Office of the R.L.A.

A revised draft of the regulations is sent herewith.

2. For the reasons stated in paras 5 and 6 of R.L.A's opinion No. 7525 dat d 18-9-1942 regulations 9 and 10 in the G.D. draft have been omitted in the revised draft. As pointed out in R.L.A's opinion referred to the object of G.D. draft regulation 10 can be achieved by issuing executive instructions to the police officers and police patels.

Sd/- P. N.oos

o.c. 7/2/46

Remembrancer of Legal Affairs.

U.R. to G.D. No. 1100, dated the 8-2-1946

Mjr/12/7

4 Cs.

Office of the R.L.A.

It would appear from the G.D. notes at pages 15-18 ante that the intention was to apply the draft regulations also to the municipal areas in the Surat Distict incase the measures taken under the relevant Municipal Act proved inadequate. The position was also made clear in the draft regulation 11(revised draft regulation 10) which provided that the expenses incurred in carrying out the regulations in the case of action taken in the municipal boroughs o districts should be payble by the Municipalities. Since the regula tions were intended to apply to the municipal areas in the event of the provisions in the relevant Municipal Act proving inadequate, no profision was made in their revised draft regulations restricting them to non-municipal aras.

Id/- P.N.M.
10/4/46

Remembrancer of Legal Affairs

U.R.to G.D., No 2749, dated the 11th April 1946

Mjr/12/7
4 Cs.

Office of the R.L.A.

Para 2. of G.D. note at page 87. - Section 2 of the Epidemic Diseases Act, 1897 (III of 1897), gives power to the Provincial Government to prescribe temporary regulations in the circumstances specified therein. These regulations therefore will be in force during the time that the Province or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease. As soon as the danger of any such visit or threat is over the temporary regulations will cease to be in force. No addition to the draft of the revised Plague Regulations to provide for the duration of the said regulations is therefore necessary.

2. Para. 3 of G.D. note at page 88.- The draft preamble at A on page 81 ante, as formally amended, is in order.

3. Para 4 G.D. note at page 88.- As observed in para . 1 above the temporary regulations issued under section 2 of the Act cease to be in force as soon as the danger to meet which they were prescribed is over. However, it is desirable to cancel them specifically as soon as the danger is over.

4. Para 5 of G.D. note at page 88.- The following definition may be added at the beginning of Regulation 1 at page 65 ante and the subsequent definitions may be renumbered as (ii) to (iv, respectively:-

"(i),'District Magistrate' for the purposes of the Bombay Suburban District shall be deemed to mean the Commissioner of Police, Bombay,".

S d/- D.V.Vyas

O.C.

Remembrancer of Legal Affairs.

U.R. to G.D..No. 9246, dated the 19th December 1946.

Mjr/12/7

8 Cs.

Office of the R.L.A.

It appears from Government Notification No 1773/33(a) dated 30-8-1945 containing the "Plague Regulations " for Stara district that the said notification was issued under section 2A, and not under section 2 of the Epidemic Diseases Act, 1897 (III of 1897). It is therefore invalid and the said Plague Regulations are not in force in Satara. It will therefore be necessary to notify the same under section 2 of the said Act, since plague is showing a tendency to increase in the said district.

Sd/-- D.V.Vyas

o.c.

Remembrancer of Legal Affairs.

U.R. to C.D. No. 9260,,dated the 10th December 1946.

Mjr/12/7

4 Cs.